

THE HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

WRIT PETITION No.37499 OF 2015

ORDER :

Heard learned counsel for the petitioner and the learned Government Pleader for Revenue.

The petitioner filed a representation before the 2nd respondent-District Collector to take up survey and demarcate the land as pointed out by duly evicting the unauthorized encroachers from the Bhoodhan Board land. On the said representation, the District Collector called for a report from the 3rd respondent-Revenue Divisional Officer under Ex.P.5, dated 18.02.2015, however, alleging that no further action is taken and the encroachers are enjoying the land, the present writ petition is filed.

Learned Government Pleader for Revenue has since received instructions from the 4th respondent stating that as per the directions of the District Collector, Mandal Surveyor was deputed to survey and demarcate the aforesaid land and issued notice to the applicant to attend for survey on 06.01.2015, but neither applicant nor his representative has attended the survey and that the entire survey number was divided into plots and some houses were also constructed and the persons concerned are supporting their possession under registered documents. However, due to lack of clarity and the documents submitted by the occupiers, the surveyor could not complete his report. It is also stated that the District Collector also called for information from the A.P. Bhoodan Yagna Board, who was informed that the petitioner is in no way concerned with the Bhoodan Yagna Board and there was no allotment in his name and requested not to entertain any application of him or his organization 'Serva Seeva Sangh'. The letter issued by the Bhoodan Yagna Board is also attached to the instructions.

It is evident from the above that on the allegations made by the petitioner, a survey was already ordered and it appears to have been conducted, however, report of the surveyor is not produced. In any case, as the petitioner is only a third person, who has brought the encroachment to the notice of the Government, it is for respondents 2 and 4 to take appropriate action, if there are any encroachments on the land. Since the steps to conduct survey have already been taken, no further directions are required in this writ petition.

Accordingly, the writ petition is disposed of. There shall be no order as to costs.

Miscellaneous petitions pending in this writ petition, if any, shall stand closed.

VILAS V.AFZULPURKAR, J

25.11.2015

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